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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,316	09/18/2003	Pierre Albou	1948-4817	6199
27123	7590	06/22/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/665,316	Applicant(s) ALBOU ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Figures 1-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
  - b. Page 1, Line 8: Typographical error – period missing at the end of the sentence.

- c. Page 2, Line 5: Grammatical error – “it” should read as “its”.

Appropriate correction is required.

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: Applicant recites the limitation, “at least one detachment element arranged on at least one of the surfaces”, however, applicant previously recited only one reflecting surface on the mirror. If applicant wants to incorporate or refer to the “admission face” or “exit face”, then appropriate correction is required. The below rejections are based on the best-deemed interpretation as construed by the examiner.
5. Claim 4 is objected to because of the following informalities: Applicant recites the limitation, “this central vertical strip”, in line 4 of the claim. Applicant should avoid the use of pronouns. Appropriate correction is required.
6. Claim 5 is objected to because of the following informalities: Applicant should avoid the use of pronouns within a claim. Appropriate correction is required.
7. Claims 8-9 and 18-19 are objected to because of the following informalities: Applicant recites the limitations, “the rotations effected on the surface of the mirror” and “each rotation of a vertical strip of the mirror”, which lack antecedent basis. Appropriate correction is required.
8. Claim 10 is objected to because of the following informalities: Applicant recites the limitations, “each rotation of a vertical strip” and “the rotated vertical strips”, which lack antecedent basis considering Claims 1 and 7 refer only to a single rotation of a

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vertical strip. Appropriate correction is required, and the below prior art rejection has been based on the best-deemed interpretation.

9. Claim 12 is objected to because of the following informalities: Typographical error – "corresopnding" in line 5 of the claim. Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-13 and 15-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-17 of copending Application No. 10/103631 in view of Oyama (U.S. Patent 4779179).

The copending application recites a headlight including a light source, mirror, and transparent optical deflection element placed in front of said mirror, as claimed in the current application, but does not specifically teach at least one detachment element arranged on the surface of the mirror or transparent optical deflection element.

Oyama teaches various prismatic surfaces on a mirrored surface [Figure 2: (1)], as well as on a lens [Figure 2: (2)] disposed in front of said mirrored surface.

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It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the headlight of the copending application to incorporate the prismatic surfaces of Oyama in order to provide a desired optical effect on the illumination [e.g., light distribution].

In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the prismatic surfaces as a separable detachment element, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the prismatic surfaces to produce the desired optical effect, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

This is a provisional obviousness-type double patenting rejection.

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The following rejections have been based in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

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### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 1, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nino (U.S. Patent 4885669).

12. With regards to Claim 1, Nino discloses a headlight unit including:

- A light source [Figure 9: (18)];
- A mirror [Figure 9: (2)] exhibiting a reflecting surface for reflecting light signals produced by the light source;
- A transparent optical deflection element [Figure 9: (25)] exhibiting an admission face and an exit face for the reflected light signals;
- Whereby the mirror is capable of interacting with the light source in order to generate a beam bounded by a line of interruption [Figures 12-13];
- Whereby the optical deflection element is capable of providing a horizontal displacement of the light signals produced by the light source and reflected by the mirror, without modifying the vertical distribution of the light signals [Figures 12-13]; and
- At least one detachment element [Figure 9: (4)] arranged on at least one of the surfaces reached by the light signals in order to obtain a line of interruption of the light beam that is not flat [Figures 12-13].

13. With regards to Claim 7, Nino discloses the at least one detachment element [Figure 9: (4)] including the rotation of a vertical strip [Figure 9: (6)] constituting the reflecting surface of the mirror in relation to an adjacent vertical strip of the mirror [Figure 9: (5)].

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14. With regards to Claim 10, Nino discloses each rotation of the vertical strips of the mirror [Figure 9: (2, 4)] being effected so that connecting surfaces appearing between the rotated vertical strips and the adjacent vertical strip are exposed to at least the light signals produced by the light source.

15. Claims 1, 8-9, 11, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nino (U.S. Patent 5008781).

16. With regards to Claim 1, Nino discloses a headlight unit including:

- A light source [Figure 23];
- A mirror [Figure 23: (1)] exhibiting a reflecting surface for reflecting light signals produced by the light source;
- A transparent optical deflection element [Figure 23: (73)] exhibiting an admission face and an exit face for the reflected light signals;
- Whereby the mirror is capable of interacting with the light source in order to generate a beam bounded by a line of interruption [Figure 23];
- Whereby the optical deflection element is capable of providing a horizontal displacement of the light signals produced by the light source and reflected by the mirror, without modifying the vertical distribution of the light signals [Figure 23]; and
- At least one detachment element [Figure 23: (4, 5, 74)] arranged on at least one of the surfaces reached by the light signals in order to obtain a line of interruption of the light beam that is not flat.



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17. With regards to Claim 8, Nino discloses at least one lateral rotation of a lateral vertical strip of the mirror [Figure 23: (4, 5)].

18. With regards to Claim 9, Nino discloses a central rotation device [Figure 23: (4, 5)] arranged on a central vertical strip of the mirror, whereby one of the edges of the central vertical strip is combined with a vertical central axis of the mirror.

19. With regards to Claim 11, Nino discloses at least one detachment element [Figure 23: (4, 5)] including the replacement, by a surface of the paraboloid type, of a particular section of the reflecting surface of the mirror, whereby the particular section corresponding to the lateral ends of a piece of the surface of the mirror results from the intersection of the reflecting surface of the mirror and the space defined between a first central horizontal plane of the mirror and a second plane inclined relative to the first plane.

20. With regards to Claim 18, Nino discloses each rotation of a vertical strip of the mirror [Figure 23: (4, 5)] being effected so that connecting surfaces appearing between the rotated vertical strip and the adjacent vertical strip are exposed to at least the light signals produced by the light source.

21. With regards to Claim 19, Nino discloses each rotation of a vertical strip of the mirror [Figure 23: (4, 5)] being effected so that connecting surfaces appearing between the rotated vertical strip and the adjacent vertical strip are exposed to at least the light signals produced by the light source.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 2-6 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nino (U.S. Patent 4885669) as applied to Claim 1 above, and further in view of Hermann (U.S. Patent 3497687).

23. With regards to Claim 2, Nino discloses the claimed invention as cited above. In addition, Nino teaches at least one prism [Figure 9: (26a-c)] arranged on the transparent optical deflection element, but does not specifically teach the at least one detachment element incorporating said at least one prism or the at least one prism being separable from said optical deflection element.

Hermann teaches a detachment element [Figures 1-8: (16)] including at least one prism [Abstract] arranged on a transparent optical deflection element [Figures 1-2: (13)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the lens attachment of Hermann to the transparent optical deflection element of Nino in order to provide a simple optical effect on the illumination [e.g., downward deflection of the light beam].

24. With regards to Claim 3, Nino in view of Hermann discloses the claimed invention as cited above. In addition, Nino teaches at least one prism being arranged on a lateral vertical strip of the optical deflection element [Figure 9: (26a-c)].

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25. With regards to Claim 4, Nino in view of Hermann discloses the claimed invention as cited above. In addition, Nino teaches a central prism being arranged on a central vertical strip [Figure 9: (26b)], whereby one of the edges of the central vertical strip is combined with a vertical central axis of the optical deflection element.

26. With regards to Claim 5, Nino in view of Hermann discloses the claimed invention as cited above, but does not specifically teach the structural details/shape of the at least one prism, wherein a base and apex of each prism are respectively arranged toward the top and bottom of each vertical strip. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the at least one prism with said base and apex orientations, since it has been held to be within the general skill of a worker that mere change of form or shape of an invention involves only routine skill in the art. *Span-Deck Inc. v. Fab-Con, Inc.* (CA 8, 1982) 215USPQ 835. In this case, changed in the shape of the prism would permit a desired optical effect on the illumination.

27. With regards to Claim 6, Nino in view of Hermann discloses the claimed invention as cited above, but does not specifically teach each prism being arranged on the admission face of the reflected light signals of the optical deflection element. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate each prism onto the admission face, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, rearranging the prisms on the admission face of

the optical deflection element would permit a preliminary optical effect on the illumination before passing through said deflection element.

28. With regard to Claims 15-17, Nino in view of Hermann discloses the claimed invention as cited above. Though Nino does not specifically teach prisms arranged on the admission face of the optical deflection element, Hermann teaches such prisms [Figure 7: (31)] arranged on an admission face [Figure 7: (30)]. It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the optical deflection element of Nino to incorporate the prismatic admission surface of Hermann to alter the illumination prior to entering through said optical deflection element.

29. Claims 12-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nino (U.S. Patent 5008781).

30. With regards to Claim 12, Nino discloses the claimed invention as cited above. In addition, Nino teaches the replacement by a flat surface, of a particular section of the face for the light signals of the transparent optical deflection element, whereby the particular section corresponding to the lateral ends of a piece of the surface of said face results from the intersection of the face and the space defined between a first central horizontal plane of the mirror and a second plane inclined in relation to the first plane.

Nino does not specifically teach the face being an admission side from which the light enters. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the flat replacement surface on an admission face of said optical deflection element, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86

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USPQ 70. In this case, incorporating the flat replacement surface on the admission face would permit alteration of the illumination prior to entering through said optical deflection element.

31. With regard to Claims 13 and 20, Nino discloses the claimed invention as cited above, but does not specifically teach the inclination between the first plane and the second plane being in the order of 15 degrees. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the angle between the first and second planes to be 15 degrees, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215. In this case, providing an angle of 15 degrees between the first and second planes would obviously provide a desired optical effect [i.e., appropriate distribution/deflection of light].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 4351018 to Fratty;

US Patent 4796171 to Lindae et al;

US Patent 4916585 to Nino;

US Patent 4945454 to Bunse et al;

US Patent 5406464 to Saito;

US Patent 6004014 to Yamamura et al;

US Patent 6637914 to Naganawa.

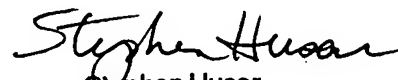
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (6/15/2005)

  
Stephen Husar  
Primary Examiner